

1973/99



**THE DIPLOMATIC PRIVILEGES (COMMONWEALTH  
SECRETARIAT) ORDER 1973**

DENIS BLUNDELL, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 9th day of April 1973

Present:

THE HON. W. E. ROWLING PRESIDING IN COUNCIL

PURSUANT to section 9A of the Diplomatic Privileges and Immunities Act 1968 (as inserted by section 2 (1) of the Diplomatic Immunities and Privileges Amendment Act 1971), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**ORDER**

**1. Title**—This order may be cited as the Diplomatic Privileges (Commonwealth Secretariat) Order 1973.

*Privileges and Immunities of the Commonwealth Secretariat*

**2. Body corporate**—The Commonwealth Secretariat shall have the legal capacities of a body corporate.

**3. Immunity from suit**—Except in so far as in any particular case it has expressly waived its immunity, the Commonwealth Secretariat shall have immunity from suit and legal process.

**4. Inviolability of premises and archives**—The Commonwealth Secretariat shall have the like inviolability of official premises and official archives as is accorded in respect of official premises and official archives of a diplomatic mission.

**5. Immunity of property**—The Commonwealth Secretariat shall have immunity in relation to its property and assets from search, requisition, confiscation, expropriation, or any other form of interference.

**6. Exemption from taxes and rates**—The Commonwealth Secretariat shall have the like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign State.

**7. Exemption from taxes on importation of goods**—The Commonwealth Secretariat shall have exemption from taxes on the importation of goods directly imported by the organisation for its official use in New Zealand or for exportation, or on the importation of any publications of the organisation directly imported by it, subject to compliance with such conditions as the Minister of Customs may determine for the protection of the revenue.

*Privileges and Immunities of High Officers*

**8. Privileges and immunities of high officers**—Except in so far as in any particular case any immunity or privilege is waived by the Commonwealth Secretariat, the Secretary-General of the Secretariat, the Deputy Secretaries-General and Directors or Assistant Directors shall be accorded the like immunity from suit and legal process, the like inviolability of residence, official premises, and official archives, and the like exemption from taxes and rates, as are accorded to a diplomatic agent.

*Privileges and Immunities of Other Staff*

**9. Privileges and immunities of other staff**—Except in so far as in any particular case any immunity or privilege is waived by the Commonwealth Secretariat, all members of the staff of the Secretariat (other than those referred to in clause 8 hereof) shall be accorded—

(a) Immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties:

Provided that such immunity shall not extend to legal actions arising from motor-vehicle accidents or prosecutions arising from violation of traffic law:

(b) Exemption from income tax in respect of emoluments received as members of the staff of the Secretariat:

(c) Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand, that exemption to be subject to compliance with such conditions as the Minister of Customs may determine for the protection of the revenue.

*Persons Employed on Missions*

**10. Persons employed on missions**—Except in so far as in any particular case any immunity or privilege is waived by the Commonwealth Secretariat, persons employed on missions on behalf of the Secretariat shall be accorded—

(a) While performing their missions and during time spent on journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the Secretariat:

(b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions:

- (c) Exemption from income tax in respect of emoluments, stipends, and allowances received for services in respect of their duties:
- (d) Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand, that exemption to be subject to compliance with such conditions as the Minister of Customs may determine for the protection of the revenue.

P. G. MILLEN,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order specifies the immunities and privileges that are conferred on the Commonwealth Secretariat and on representatives to and officials of that Secretariat.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 April 1973.

This order is administered in the Ministry of Foreign Affairs.